

Case 4:05-cr-00036-RRB  
August 7, 2007

Document 39

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AUG 16 2007

The Honorable Ralph R. Beistline  
United States District Court  
Federal Building  
Fairbanks, Alaska 99701

CLERK, U.S. DISTRICT COURT  
FAIRBANKS, AK

Re: Case #05-CR-00036-RRB US v. Asher

Dear Judge Beistline:

On August 10, 2006, you sentenced me to 36 months in prison on the above-referenced matter. I am currently serving my sentence at FCI Terminal Island near Long Beach, CA. Taking into consideration my good time credit and pre-sentence incarceration, I have been given a release date from custody on June 13, 2008. Also, I have been informed that I have been designated to a halfway house for pre-release on March 11, 2008. These last three months of custody represent the final ten percent of my sentence.

I am writing to you to request an Addendum to the Judgment and Commitment Order that you issued. My request of you, if possible, is to authorize and permit me to enter the designated halfway house six months prior to my release date rather than the current three months based on the following facts.

My health has continued to deteriorate. Despite losing approximately 150 pounds since July 2005, my Congestive Heart Failure and Atrial Fibrillation has continued. I was rushed to St. Mary's Hospital in Long Beach, CA by local paramedics after suffering a major cardiac episode in my housing unit. In early June, 2007, I spent about a week at St. Mary's of which 3 to 4 days was in Intensive Care. An angiogram and/or angioplasty was performed as well as an electrical cardioversion (to stop and restart my heart). It was also discovered and disclosed to me that I have a severely dilated aorta (about double the normal diameter) as well as a leaking aortic valve. Both the outside cardiologist and the cardiothoracic surgeon are considering open heart surgery to correct this.

I have an offer of employment from a local equipment manufacturer; a copy has been presented to my Case Manager for my file. Once employed by this firm in a general office, purchasing and customer

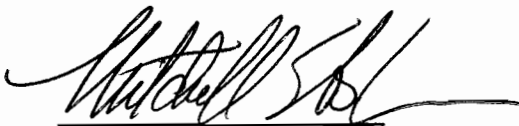
My release address is in Long Beach, CA at the home of my sister, Dona Quinones. The U.S. Probation Office has visited her and inspected her home; they have approved my residence there. I will, therefore, be living and working in Long Beach, only a few miles from Terminal Island. Consequently, it is my intention to continue to receive medical care from the same cardiologist (Dr. M. Appel) and cardiothoracic surgeon (Dr. A. Stein) on my case.

I understand that the current pre-release formula is under debate and some districts other than the Ninth have allowed up to one year halfway house time. I also understand that the Ninth District maintain a six-month limit on halfway house community confinement. Due to the seriousness of my physical health, I am seeking the maximum allowed, with your approval.

My intention is to get working, get health coverage, get my cardiac issue repaired and/or resolved, and return to the community enabling me to pay my court costs and restitution. While incarcerated, I have made some payments through FRP (Financial Responsibility Program) from my commissary account. It is still my intention to make the victims in my case financially whole as soon as I can. I know I have the support of my family, friends and some former employers.

I appreciate any consideration to my request for an Addendum, your Honor. Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Mitchell E. Asher', with a horizontal line drawn underneath it.

Mitchell E. Asher

#26162-018

FCI Terminal Island

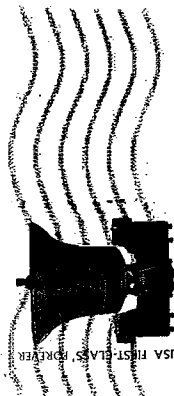
P.O. Box 3007

Terminal Island, CA 90731-02

Mitchell E. Asher  
#26162-018  
Federal Correctional Institution  
P.O. Box 3007  
Terminal Island, CA 90731-0207

LONG BEACH CA 908

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Judge, US District Court  
Federal Building  
Fairbanks, AK 99701

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